

## REMARKS

Reconsideration and allowance of the subject application are respectfully requested. Claims 1-42 are pending in this application. Claims 1 and 4 are the independent claims.

### Double Patenting Rejection Over 09/942,579

Claims 1-42 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over Claims 1-7, 10-12, 15-20, 37, 38 and 42-46 of copending Application No. 09/942,579 (U.S. 2002/0093557). That application has been allowed and the issue fee was paid on October 3, 2003.

Each independent claim of co-pending U.S. Application No. 09/942,579, namely, Claims 1, 37, 45, 46, 47 and 48, was amended so as to incorporate the features of Claims 21, 22 and 31. Therefore, in all the claims in that application, at least one of the color inks contains a polyvalent metal ion that destabilizes dispersion stability of the pigment in the black ink, and the pigment of the black ink is carbon black having at least one anionic hydrophilic group directly bonded or indirectly bonded via another atomic group to the surface thereof as the ionic group.

The present invention, as recited in independent Claim 1, relates to an ink comprising: a first coloring material represented by general formula 1, a second coloring material represented by general formula 2, and an aqueous medium. As recited in independent Claim 4, the present invention relates to an ink comprising: at least one of C.I. Acid Red 52 and C.I. Acid Red 289; a coloring material represented by general formula 1; and an aqueous medium.

Applicants submit that the claims of the present application are patentably distinct from the amended claims of copending Application No. 09/942,579, and respectfully request that the double-patenting rejection over that application be withdrawn.

#### Double Patenting Rejection Over 09/871,627

Claims 1-42 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over Claims 8-20, 22, 26, 27, 31-34 and 36-38 of copending Application No. 09/871,627 (U.S. 2002/0050225). This application has been allowed, without claim amendments, and the issue fee was paid on October 3, 2003.

The present invention is directed to an ink that contains two different types of dyes, and a goal of the invention is to decrease the degree of fading of magenta ink. In contrast, the invention of Application No. 09/871,627 seeks to define the relation of the degree of fading between images formed by inks with the same color tone and different coloring material content. Although the invention of Application No. 09/871,627 may use inks containing general formula 1 and general formula 2, since the present invention and the invention of Application No. 09/871,627 have different basic features and effects, Applicants conclude that these two inventions are patentably distinct from each other.

Applicants therefore respectfully request that the double patenting rejection over copending U.S. Application No. 09/871,627 be withdrawn.

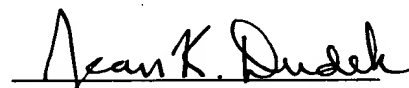
## Conclusion

Applicants submit that the present invention defines patentable subject matter and is in condition for allowance. Applicants respectfully request withdrawal of the provisional double patenting rejections and early passage to issue.

Applicants also respectfully request that this Request for Reconsideration After Final Rejection be entered. This Request for Reconsideration could not have been presented earlier as it was earnestly believed that the claims on file would be found allowable. Given the Examiner's familiarity with the application, Applicants believe that a full understanding and consideration of this Request for Reconsideration would not require undue time or effort by the Examiner. No new claims have been added. Moreover, Applicants submit that the application is in condition for allowance. Accordingly, entry of this Request for Reconsideration is believed to be appropriate and such entry is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

  
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